



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

June 21, 2000

The Honorable Patrick J. Leahy
United States Senate
433 Russell Senate Office Building
Washington, DC 20510-4502

Paul E. Manzoni
House Republican Leader
Indiana
President, NCSL

John B. Phelps
Clerk of the House
Florida House of Representatives
Staff Chair, NCSL

William T. Penn
Executive Director

Dear Senator Leahy:

On behalf of the nation's state legislators, I urge you to oppose S. 353, the "Class Action Fairness Act." I understand that this legislation will be considered for markup by the Senate Judiciary Committee on Thursday, June 22. This legislation would transfer a large number of class action lawsuits from state to federal courts. Most class action cases would be transferred from state to federal court even when the claims asserted are entirely based on state law. This legislation is yet another feeble and blatant attempt to unnecessarily federalize areas of criminal and civil justice that do not beg for federal resolution.

S. 353 would address perceived abuses in class action litigation by removing the vast majority of non-securities class action lawsuits to federal court. Anecdotal evidence of abuse might highlight a need for reform in a particular jurisdiction, reform that can and has been addressed outside the nation's capitol. Such anecdotes, however, are grossly insufficient reasons for a wholesale federal takeover of class action litigation. Lawsuits based on questions of state law should be decided in state courts by the judges who are best qualified to interpret and apply the laws of that state.

In addition, this legislation would preempt state rules for class certification, even in cases that are considered by state courts. This legislation would circumvent state legislative authority to establish laws and rules of civil procedure and would preempt current state law in several states.

I urge you to reject this affront to judicial federalism. If you have any questions, please contact Michael Bird (202-624-8686) or Alyson McLaughlin (202-624-8691) in NCSL's Washington, D.C. office.

Sincerely,

Representative Kip Holden
Louisiana House of Representatives
Chair, NCSL AFI Law and Justice Committee

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